

Frequently Asked Questions

Please note that questions regarding inmate status, housing, health, treatment, accounting, should be directed to the [Utah Department of Corrections](#). The Board does not supervise the Department, nor does the Board have any control or authority over these issues.

When will an inmate have his first hearing?

It depends on the crime committed but is based on a set schedule [See [Original Hearing](#)]. The inmate will receive written notification from our office, about 4-6 weeks arrival at the prison, notifying the inmate of the approximate month and year of their original hearing (initial appearance before the Board). A more detailed notice will be sent to the inmate about 4-6 weeks prior to the hearing, with the exact date, time, and location of the scheduled hearing. Other interested parties can call our office at 801-261-6464 for information, or check our web site under [Hearing Schedules](#) to check on upcoming hearings.

In cases where a life was taken (all homicide cases), within six months after an inmate arrives at the prison, the Board will set an original hearing, following an administrative review, at the Board's discretion, within the framework of a sentence.

What happens after the original hearing?

Following a hearing, the Board can either: schedule a parole date; schedule a release without parole (termination); schedule a Rehearing at any point within an offender's sentence; or order an inmate to serve the full sentence before being released.

Who can speak at a hearing?

Virtually all Board Hearings are conducted by one person, either a Board Member or a Hearing Officer. That person interviews the inmate. Victims of record are invited to participate and have the right to speak, if desired. Inmates are represented by an attorney at Parole Violation Hearings only. Parole officers participate in those hearings as well. Testimony and statements from any other person will not be taken. Any interested member of the public, family members or friends, of either the victim(s) and the inmate are free to send correspondence to the Board regarding any inmate.

Can I attend a hearing?

Board hearings are open to the public. Children may attend but must remain quiet. Parole hearings include detailed descriptions of the facts of the case(s);

graphic accounts of serious crimes and injuries, and intimate, personal information of both inmate and victim(s). These hearings may be disturbing to members of the public, especially children. Hearings are scheduled for 20 minutes but some may take longer or go shorter. Please arrive 30 minutes before the scheduled start time.

How long does it take for the Board to make a decision after a hearing?

Usually between two and four weeks. Offenders are notified in writing, and other interested parties can call our office at (801)-261-6464, or check our web site under [Hearing Results](#).

Where are the hearings held?

Board hearings will be held at one of these facilities:

Utah State Prison 14425 Bitterbrush Lane Draper, UT	Central Utah Correctional Facility 255 East 300 North Gunnison, UT	Beaver Co. Jail 2160 South 600 West Beaver, UT
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Please Note: The Board conducts some hearings by video conference, and the offender may appear at the hearing by video, rather than actual in person attendance, especially where the offender is housed in a county jail, has been transferred by the Department of Corrections after the hearing was scheduled, or for other security or safety concerns.

Can I write the Board a letter about an inmate?

Yes, please address letters by mail to our office, as follows:

Utah Board of Pardons and Parole
448 East 6400 South #300
Murray, UT 84107

Letters may also be faxed or e-mailed to our office:

Fax: 801-261-6481
E-Mail: bopinfo@utah.gov

Do letters need to be notarized?

No.

What is indeterminate sentencing?

In Utah, the Legislature has specified a particular range of time as the applicable statutory sentence for every crime (for example, the statutory sentence for a

second degree felony is not less than 1 and not more than 15 years in prison). At sentencing, a Judge can impose a sentence of probation, with attendant conditions and requirements; or the Judge can impose the statutory indeterminate sentence to be served in prison.

When a person is sentenced to prison in Utah, that person must serve the entire maximum statutory sentence unless the offender is released from prison prior to sentence expiration by the Board of Pardons and Parole. The Utah Constitution creates the Board of Pardons and Parole, and assigns to the Board the authority and power to decide how much of the applicable sentence range will actually be served in custody. In addition to determining the amount of time to be served in custody, the Board determines the nature of the release (parole or termination), the conditions of release, and the amount restitution, fines and fees to be paid or remitted.

What is the guideline/matrix score?

The Utah Sentencing Commission, established by the Legislature, has developed non-binding, advisory sentencing guidelines for use by Courts and the Board. The guidelines do not have the force and effect of law, but provide only an estimate of the time an inmate may expect to be incarcerated, always subject, however, to the individual facts and circumstances of a case, the characteristics of an offender and the discretion of the Board.

By employing a number of factors, such as the offender's criminal record, supervision history, nature and severity of the offense and other fact specific details, the Board calculates a sentence guideline, usually in terms of months, which provides a starting point for the Board in its determinations and decisions.

How does the Board decide who gets out of prison?

The Board considers the nature and severity of the crime(s) committed, including the harm done to the victim and society, the continued risk posed by the inmate, and the inmate's behavior and programming efforts while incarcerated. At least three Board Members (constituting a majority) must agree on any release decision.

Can an inmate appeal a Board decision?

No, Board decisions are not subject to judicial review.

What is a "Special Attention" hearing or review?

If an inmate shows exceptional progress at the prison, the Department of Corrections can submit a report to the Board which may seek a release earlier than that set by the Board. In addition, if there is an extraordinary crisis or circumstance pertaining to an inmate's health or his life outside of prison, the

Board may consider an change in release status or date, on a case-by-case basis. Regardless, any such requests MUST originate through the prison, not through an inmate or his family.

Where does the Board get its authority?

The [Utah Constitution](#) and [State Statute](#).

What are some of the other Board powers besides releasing inmates?

The Board can pardon past crimes (although this is now usually sought through expungement, which does not involve the Board), commute death sentences, commute other sentences and punishments, rescind parole dates, impose parole conditions, remit fines and fees, impose sanctions less than a return to prison for parole violations, issue warrants and return parolees to prison based on parole violations, revoke parole dates, and conduct Evidentiary hearings.

How does an inmate know what information the Board has? Is any information withheld?

The inmate will receive copies of all disclosable material in his/her Board file at least seven days prior to the hearing. If someone writes the Board and wishes to have the letter withheld from the inmate, he or she must explain why disclosure of the letter could present a safety risk.